

Water Right Number 2322-3

1. Considered SEPTEMBER 10, 1975
2. Name of Applicant LARKIN POTATO CO., INC.
3. Post Office Address CLARK
4. Amount of Water claimed 3.82
5. Source of Water supply GROUND WATER (2 WELLS 50' DEEP)
6. Water to be used for IRRIGATION
Acres to be irrigated 268
7. Water to be diverted and used in CLARK County
about 1E, 10S miles 1 of CLARK
8. Proof of Publication Received 8-20-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 23223Map No. 1704.3 Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. F. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Larkin Potato Co., Inc.
Postoffice address Box 218, CLARK State South Dakota
If a corporation show date and place of incorporation S. Dak. Jan. 1, 1946
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. ~~Name of diversion work~~ 3-82
4. Amount of water claimed (cubic feet per second) 4 cubic feet per second MAX ALLOWABLE
5. Source of water supply two wells
6. Location of point of diversion #1-N 44°30'W, 1860' and #2-N 1°30'E, 1320' EOWA FROM THE SE CORNER, SECTION 31, T-115N, R-57W County CLARK
7. Annual period or periods during which water is to be used May-September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 268

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
115-57-Sec. 31 NE 40	33.5	115-57-Sec. 32 NE 40	33.5
NW 40	33.5	NW 40	33.5
SE 40	33.5	SE 40	33.5
SW 40	33.5	SW 40	33.5

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years Additional time required to complete application of water to the proposed beneficial use 1 year years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown Public Opinion
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. N/AB. Works proposed to transport water to place of use. N/AC. Works proposed to apply water to beneficial use.
Center Pivot IrrigationEstimated Total Cost \$ 70,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

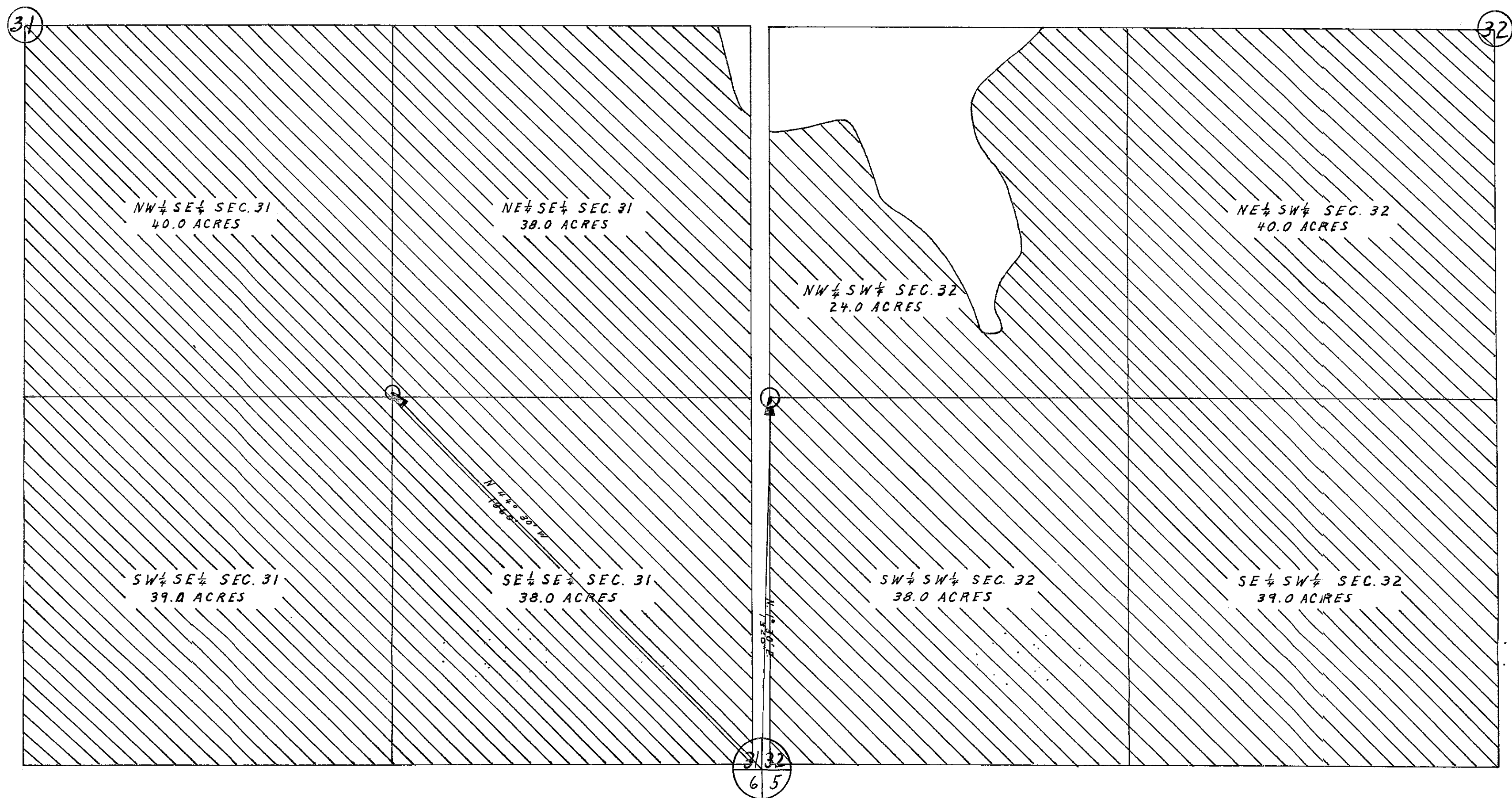
County of CLARKI, Larkin Potato Co., Inc. the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

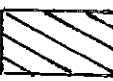
Subscribed and sworn to before me this

Notary Public (or other qualified officer)

DALE W. CLAUSEN
NOTARY PUBLIC - SOUTH DAKOTA



ALL LANDS DESCRIBED ARE OWNED BY LARKIN POTATO CO.

LAND TO BE IRRIGATED 
PUMP SITE-IRRIGATION WELL 

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SE 1/4	31	115 N	57 W	40.0
NE 1/4 SE 1/4	31	115 N	57 W	38.0
SW 1/4 SE 1/4	31	115 N	57 W	39.0
SE 1/4 SE 1/4	31	115 N	57 W	38.0
NW 1/4 SW 1/4	32	115 N	57 W	24.0
NE 1/4 SW 1/4	32	115 N	57 W	40.0
SW 1/4 SW 1/4	32	115 N	57 W	38.0
SE 1/4 SW 1/4	32	115 N	57 W	39.0
TOTAL				296.0

Scale: 1"=300'

LARKIN POTATO CO.
IRRIGATION PROJECT NUMBER 1
CLARK COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I James Ivan Felix DO HEREBY CERTIFY
THAT THIS MAP IDENTIFIES A REASONABLY
ACCURATE RECORD OF THE LAND OF THE
LARKIN POTATO CO. IRRIGATION PROJECT
NUMBER 1.

SIGNATURE: James Ivan Felix

TITLE: Professional Engineer No. 2469

Map No. 2322-3 Appl No. 2322-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2322-3
LARKIN POTATO CO., INC. Box 218, CLARK
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57225 With the following modifications:
 (State)

The irrigation wells approved under this Permit ~~is~~ located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application JULY 14 1975
 Date of return to applicant for correction, amendments or changes required JULY 14 1975
 Date of receipt of corrected application AUGUST 6 1975
 Approved SEPTEMBER 10 1975, Recorded in Book 14 Page 39

WATER RIGHT PERMIT NO. 2322-3

The Water Rights Commission hereby grants and issues this Water Right Permit 2322-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 14 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 10 1976
3. The whole of said work is to be completed on or before SEPTEMBER 10 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith SEPTEMBER 10 1978
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.82 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 10 1978; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 16TH day of SEPTEMBER 1975

WATER RIGHTS COMMISSION

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 in., Depth 50 ft.
- (2) Casing, Type Steel Diameter 16 in. Thickness 1/2 in. wall
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type Stainless Steel Diameter 16 in. Length 15 ft.
- (4) Gravel Pack, Thickness 14 in., Length of gravel pack 50 ft.

E. ~~Dugout Information or Estimates.~~

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand and Gravel

Depth to top of water bearing material 25 ft.

Depth to bottom of water bearing material 50 ft.

Thickness of water bearing material 25 ft.

Depth to water (ground surface to water level) 20 ft. 8 in.

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 500 rds. On property owned by others 200 rds.

G. ~~Water Storage Dams.~~

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Jarkin Potato Co., Inc.

Alvin B. Jarkin
Signature of Applicant

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 30 in., Depth 65 ft.
- (2) Casing, Type Steel Diameter 16 in. Thickness 1/4 in. wall
(round, concrete, steel, etc.)
- (3) Perforated Screen,
Type Stainless Steel, Diameter 16 in., Length 25 ft.
- (4) Gravel Pack, Thickness 14 in., Length of gravel pack 55 ft.

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Sand and Gravel

- Depth to top of water bearing material 20 ft.
- Depth to bottom of water bearing material 65 ft.
- Thickness of water bearing material 45 ft.
- Depth to water (ground surface to water level) 17 ft. 6 in.

- (2) Distance to nearest existing household or livestock watering wells. 1 mile.

On same owner's property 420 rods. On property owned by others 180 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Farvin Potrero Co., Inc.

Signature of Applicant

WELL DRILLER'S LOG

Tarkin Well # 1

0-2 Top Soil
2-15 Brown sand, some gravel streaks
15-24 Blue clay, gravel streaks
25-30 Sand
30-40- Sand, some coarse hard gravel streaks, sand loose some
circulation lost
40-50 Same as above
50-60 Clay, water level 20-3 from gravel level

Peckham Well Drilling

By: R. H. Peckham

WELL DRILLER'S LOG

Jarkin Well # 2

0-1 Top Soil
1-14 Brown sand
14-20 Courser streaks of sand some clay
20-30 Same as above, some fine sand.
30-40 Good sand, some coarse gravel seems, circulation loss
some state
40-50 Courser sand, gravel streaks, circulation loss
50-60 Same as above
60-65 Same, coarse streak at bottom
65-80 Clay, blue water level 17-6 from ground level

Reckham Well Drilling

By: R. H. Reckham

July 18, 1975

Larkin Potato Co., Inc.
205 N. Commercial
P.O. Box 218
Clark, SD 57225

Dear Sirs:

Enclosed you will find the original copy of the report of analysis of the water samples submitted here about 1 week ago. These samples show the water to be suitable for irrigation for the lands which you have although the waters are moderate in salinity. The application materials including the WII forms and the copy of the water analysis and of this letter are being sent to the State Conservation System today.

I was absent at the time these applications were received, but Dr. John Wiersma, our Water Resources Director, called Mr. Burton Jones upon the receipt of the applications and discovered that they were too late to be included in the July commission meetings. However, they will be processed as quickly as possible.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Laboratory

LOF:ckh

Enclosures

cc: State Conservation System

Farrel Pahl

George Schanck, County Extension Agent



Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION

FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: 1

Soils Capability: _____

Approved: [Signature]
7/25/81

Disapproved: _____

NAME: Larkin Potato Co., Inc.

ADDRESS: 205 N. Commercial P.O. Box 218 Clark, S. Dak. 57225

COUNTY: Clark

LEGAL DESCRIPTION

1. WELL LOCATION: 115-57W- Section 31 Center of SE 1/4 Well #1
2. AREA TO BE IRRIGATED: SE 1/4 of Section 31 SE 40 SW 40 NE 40 NW 40

TYPE OF IRRIGATION

3. GRAVITY: SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Potatoes, Wheat, Corn, Soybeans, Sunflowers
and Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 4%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: (See WI-1 for Well #2)

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-602
8. SALINITY: EC = 92.5 (moderately high)
9. SODIUM: SAR = 0.23 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Water- Peckham Well Drilling

Land- Soil Conservation Service

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Jarkin Potato Co., Inc.

Charles R. Jarkin &

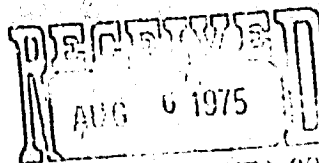
Subscribed and sworn before me this

8th day of July 1975.

Melvin Reinschmidt

MELVIN REINSCHMIDT,
Notary Public, Clark County, So. Dak.
My Commission Expires May 24, 1982

(Title)



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Larkin Potato Co.

Date Rec'd July 1, 1975

Address Clark, SD 57225

Sample No. 75-602

Identification #1 Well-60'

Sec. 31, T 115N, R 57W

WATER ANALYSIS

Calcium (Ca)	130	ppm	6.50	me/l**
Magnesium (Mg)	42	ppm	3.44	me/l
Sodium (Na)	12	ppm	0.52	me/l
Potassium (K)	6	ppm	0.14	me/l
Sulfate (SO ₄)	128	ppm	2.66	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.14	me/l
Bicarbonate (HCO ₃)	434	ppm	7.12	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	356	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	925	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	4.90	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.27			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: **Total cations** 10.60 me/l
 Total anions 9.92 me/l

By: Shirley Litten

Service Performed

Amount Due

Irrigation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-602

Amount Enclosed \$

Signed

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 8/15/75

Disapproved: _____

NAME: Larkin Potato Co., Inc.

ADDRESS: 205 N. Commercial P.O. Box 218 Clark, S. Dak. 57225

COUNTY: Clark

LEGAL DESCRIPTION

1. WELL LOCATION: Center of SW 1/4 Section 32 115-57 Well # 2
2. AREA TO BE IRRIGATED: SE 1/4 SW 1/4 NE 1/4 NW 1/4 of SW 1/4 section 32

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Center Pivot
4. CROPS TO BE IRRIGATED: Potatoes, Wheat, Corn, Soybeans, Sunflowers,
and Alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 4%
6. PHYSICAL SOIL CLASSIFICATION FOR IRRIGATION: Reverlow - Sandy loam, clayey, well-drained soils, loam & silty loam, surface and moderately permeable subsoil of loam & clay loam underlain by sand & gravel at 20-40 inches
soil group # 14, capable of use
Capable of use # 5 - Fairly well-drained
WATER QUALITY TO BE COMPLETED BY COMMISSION
7. SAMPLE NO.: 75-603
8. SALINITY: EC = 925 (mod high)
9. SODIUM: SAR = 0.23 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Water- Peckham Well Drilling Land- Soil Conservation Service

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

Jarkin Potato Co., Inc.

J. H. Jarkin

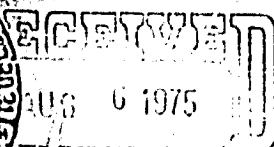
Subscribed and sworn before me this

8th day of July 1975.

Melvin Reinschmidt

MELVIN REINSCHMIDT,
Notary Public, Clark County, So. Dak.
My Commission Expires May 24, 1982

(Title)



STATE WATER RIGHTS COLL.
PIERRE, SOUTH DAKOTA

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: **Larkin Potatoes Co.** Date Rec'd **July 8, 1975**
 Address **Clark, SD 57225** Sample No. **75-603**
 Identification **J2 Well-65'**
SW4, Sec. 32, T. 115N, R. 57W

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	42	ppm	3.44	me/l
Sodium (Na)	12	ppm	0.52	me/l
Potassium (K)	6	ppm	0.14	me/l
Sulfate (SO ₄)	122	ppm	2.54	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.15	me/l
Bicarbonate (HCO ₃)	425	ppm	6.96	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	348	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	925	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	4.68	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.02			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 11.10 me/l
 Total anions 9.65 me/l

By: **Shirley Mittan**

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **75-603**

Amount Enclosed \$

Signed

No. 2322-3

Publish first publication, on or before

August 28, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 7, 1975

Notice is hereby given that Larkin Potato Company, Inc.

whose post office address is Clark, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.02 cubic feet of water per

second of time from the ~~xxx~~ ground water through the

Larkin Irrigation Project, the point of diversion of which ~~are~~ xx to be located in the _____

~~Center of the SE $\frac{1}{4}$, Section 31, and in the SW $\frac{1}{4}$, SW $\frac{1}{4}$~~

of Section 32, Twp. 115N, Range 57W. Said water to be used for the purpose of providing irrigation on the following described land:

portions of

SE $\frac{1}{4}$, Section 31, SW $\frac{1}{4}$, Section 32, T115N, R57W

This application No. 2322-3 will be considered by the Water Rights

Commission at the Burgundy Room at the Skyline Motel, Yankton, South Dakota

upon the 10th day of September, 1975 at 2:30 P. .M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc:

Charles A. Larkin, Larkin Potato Company, Inc., Box 218, Clark, S.D. 57225

No. 2322-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

I, John H. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

city of Watertown

County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Aug. 12, 1975

Aug 19, 1975

(Signature)

General Manager

(Title)

Aug. 19, 1975

(Date Signed)

PUBLIC NOTICE

No. 2322-3

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
August 7, 1975

Notice is hereby given that Larkin Potato Company, Inc. whose post office address is Clark, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.82 cubic feet of water per second of time from ground water through the Larkin Irrigation Project, the points of diversion of which are to be located in the Center of the SE $\frac{1}{4}$, Section 31, and in the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 32, Twp. 115N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$, Section 31, SW $\frac{1}{4}$, Section 32, T115N, R57W.

This application No. 2322-3 will be considered by the Water Rights Commission at the Burgundy Room at the Skyline Motel, Yankton, South Dakota upon the 10th day of September, 1975 at 2:30 P.M. All interested persons may appear and be heard.

**WATER RIGHTS
COMMISSION**

By: BURTON F. JONES,
Water Rights Specialist
(August 12, 19, 1975)

3 1/2 (August 12, 19, 1975) 15.74

RECEIVED
AUG 20 1975
STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 2322-3Water Division 3 JAMES RIVER Water District
Big Horn RiverREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by LOEY IN
POTATO CO., INC. of CLARK holder
of Permit No. 2322-3, bearing date of priority of JULY 14, 1975
authorizing the diversion of 3.82 cu. ft. per second of the waters of GROUNDWATER
for IRRIGATION purposes, in CLARK County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

- A. Works used to divert the water:
WELL #1 - 50' DEEP WITH 16" STEEL CASING - 20' JOHNSON SCREEN
POWERED BY 75HP GE ELECTRIC MOTOR @ 1775 RPM
WELL #2 65' DEEP WITH 16" STEEL CASING - 20' JOHNSON SCREEN
BERELEY 6" PUMP, POWERED BY 25HP GE ELECTRIC MOTOR @ 1775 RPM
- B. Works used to transport water to place of use,
80' 6" PVC TO JUNCTION WITH 8" LINE NEAR CENTER OF W PIVOT
1350' OF 8" BURIED PVC FROM WELL #1 TO PIVOT PAD IN SE⁴
SECTION 31
1790' OF 8" BURIED PVC FROM WELL #1 TO PIVOT PAD IN SW⁴,
SECTION 32
- C. Works used to apply water to beneficial use.
7 TOWER VALLEY CENTER PIVOT SYSTEM, WITH NIPPER #100
END GUN - TOWED BETWEEN TWO QUARTERS

The system is in the following condition: GOODThe point of diversion is located WELL #1 - 1320' N & 30' E; WELL #2 - 1340' N &
1330' W, BOTH FROM SE CORNER, SECTION 31, T115N, R57WThe works are capable of diverting and conveying to the place of use 1.75 (800 GPM)
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE SE⁴ SECTION 31,
AND 122 ACRES (132 ACRE CIRCLE LESS 10 ACRES FOR SLOUGH
AREA) IN THE SW⁴, SECTION 32, ALL IN T115N, R57W

comprising a total of 254 acres of land.Date SEPTEMBER 22, 1977

Dustin Z...
(Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2322-2

(1) WHEREAS, On the 14th day of July A. D. 19 75
Larkin Potato Co., Inc.

made Water Right Application No. 2322-3 for a permit to use 3.82 cubic feet per second of the waters
of groundwater (two wells)

County of Clark State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 10th day of September A. D. 19 75

Permit No. 2322-2 with a date of priority of July 14, 1975
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 10th day of September A. D. 19 77 and for the
application to beneficial use of said water on or before the 10th day of September A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating a 132 acre circle in the SE $\frac{1}{4}$ (D), Section 31 and 122 acres

(132 acre circle less 10 acres for slough area) in the SW $\frac{1}{4}$ (C), Section 32,

all Tn T115N, R57W

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Larkin Potato Co., Inc.

_____ of Clark, South Dakota

the holder _____ and owner _____ of said permit No. 2322-3 a water right, dating from July 14, 1975

_____ to use of 1.78 cubic feet per second of the waters of groundwater (one well)

in the County of Clark and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1 - 1320'N & 30'E (CC) and Well #2 - 1340'N & 1330'W (DB) both from SE corner, Section 31, T115N, R57W

and conducted to and upon a 132 acre circle in the SE $\frac{1}{4}$, Section 31, and 122 acres (132 acre circle less 10 acres for slough area) in the SW $\frac{1}{4}$, Section 32 all in T115N, R57W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2322-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of October A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 2322-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Larkin Potato Co., Inc.

_____ the holder _____ of
Permit No. 2322-3, issued upon Application No. 2322-3 bearing date of priority of July 14,
1975 authorizing the diversion of 3.82 cu. ft. per second of the waters of _____
groundwater (two wells) County of Clark, State of South Dakota at _____
Well #1 - 1320'N & 30'E (CC) and Well #2 - 1340'N & 1330'W (DB) both
from SE corner, Section 31, T115N, R57W
_____, for Irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date October 19, 1982

JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8983

PIERRE, October 18, 1982, 19

RECEIVED OF Larkin Potato Company, Inc., Box 218, Clark, SD 57225
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 2322-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 2322-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCHER



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

2970-3
2533-3
7322-3

March 13, 1987

Claire B. Konold
Acquired Property Specialist
Farm Credit Services
1323 Ninth Avenue, SW, Hwy 212
Box 786
Watertown, South Dakota 57201

Dear Mr. Konold:

Please find enclosed copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Farm Credit Services

2322-3

Federal Land Bank Association
Production Credit Association
Regional Headquarters
1323 North Avenue SW Box 786
West Highway 212
Watertown, South Dakota 57201-0786
605/862 4030

May 28, 1987

Ms. Maxine Sterling
S.D. Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Ms. Sterling:

Enclosed please find two Notice of Transfer of Water Permit forms and a check in the amount of \$5.00 to transfer the water permit from Larkin Potato Co. to the Federal Land Bank. This ownership change is the result of a settlement agreement in U.S. Bankruptcy Court.

The third well will be transferred to a new owner by-passing the FLR. Should you have any questions, please call us.

Claire P. Kerold
Acquired Property Specialist

Enc.

CPK/djr



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-11-87

This is to notify you that the title to the lands described as follows:

254 Acres - SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ Section 32, T115N, R57W

formerly owned by Larkin Potato Company, Inc.

has been transferred to Federal Land Bank of Omaha
P.O. Box 786 Watertown SD 57201

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2322-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

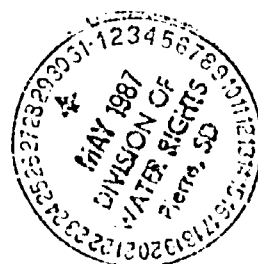
STATE OF SOUTH DAKOTA)
County of Codington) ss.

I, Claine B. Harold being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Federal Land Bank of Omaha
by Claine B. Harold
(Signed)
against property interest

Subscribed and sworn to before me this 11th Day of May, 1987.

Michael F. P. Racht
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 22, 1997

RECEIVED OF Federal Land Bank of Omaha, PO Box 796 Watertown, SD 57201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2322 3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (ms)

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

2322-3
2970-3

June 2, 1987

Federal Land Bank of Omaha
PO Box 786
Watertown, South Dakota 57201

Dear Sir:

Enclosed are receipt Nos. 410899 and 410900 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2970-3 and 2322-3.

Our records now show the Federal Land Bank of Omaha as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 25, 1988

2322-3
2970-3

Jerrey Lohr
18755 Montewood Drive
Saratoga, CA 95070

Dear Mr. Lohr:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 2322-3 and 2970-3, currently listed in the name of Federal Land Bank of Omaha. Please check over the forms and sign in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The water rights will then be transferred to your name.

South Dakota Water Law 46-54-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

encl

8322-3

J. Lohr

W I N E R Y

April 25, 1988

Water Rights
Foss Building
Pierre, SD 57501



Gentlemen:

Enclosed please find two completed Notice of Transfer of Water Permits (No. 2970-3 and No. 2322-3), along with my check for the total fee of \$5.00.

Thank you.

Yours sincerely,

Jerome J. Lohr
Jerome J. Lohr

JJL:sa

Enclosures

1000 Tenzen Ave
San Jose, CA 95126
(408) 288-5057

NO. 2322-3

NOTICE OF TRANSFER OF WATER RIGHTS PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-25-83

This is to notify you that the title to the lands described as follows:

SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ Section 32, T115N, R57W

formerly owned by Federal Land Bank of Omaha

has been transferred to Jerome J. Lohr, 18755 Montewood Dr., Saratoga, CA 95070

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 2322-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

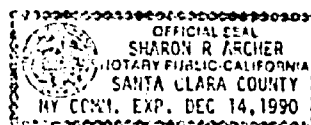
STATE OF SOUTH DAKOTA)
County of CLARK) ss.

I, Jerome J. Lohr being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 15th Day of May, 1983.

[Signature]
(Notary Public)



WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411231

Pierre, May 2, 19 98

RECEIVED OF Jerome J. Lohr, 18755 Montewood Dr., Saratoga, CA 95070

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2322-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (MS)

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

May 2, 1988

Jerome J. Lohr
18755 Montewood Drive
Saratoga, California 95070

Dear Mr. Lohr:

Enclosed are receipt Nos. 411230 and 411231 in the amount of \$2.50 each, which you paid for transfer of Water Right Nos. 2970-3 and (2322-3).

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 8, 1989

JEROME J LOHR
18755 MONTEWOOD
SARATOGA, CA 95070

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2322-3, 2970-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 2322-3, 2970-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

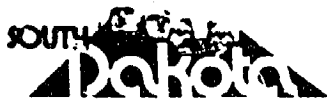
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

#2322-3

February 28, 1989

Jerome Lohr
18755 Montewood Dr.
Saratoga, CA 95070

Dear Mr. Lohr:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

February 28, 1989

Lohr

page 2

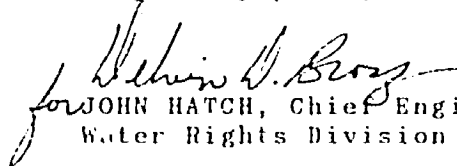
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

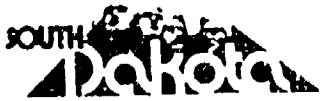
The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified.

If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 6, 1989

2322-3
2970-3

Jerome J Lohr
18755 Montewood Drive
Saratoga, CA 95070

Dear Mr. Lohr:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 2322-3 and 2970-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaires were received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division



2322-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

April 10, 1995

2322-3
2970-3

Paul Reisch
Farm Credit Services
PO Box 787
Watertown, SD 57201-0787

Dear Mr. Reisch:

Enclosed, as you requested, are copies of Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of Jerome J Lohr.

If you have any questions, or need additional information, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

November 10, 1997

2322-3
2970-3

Todd DeVille
1318 Clarkson Clayton
Balwin MO 63011

Dear Mr. DeVille:

Enclosed, as you requested, are two partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of Jerome J Lohr.

Please review the forms and complete the portion titled "*be transferred to (name & address).....*." Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

Thank you for calling about the ownership changes. If you have any questions concerning the water rights or completion of the transfer forms, please let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2322-3



Date: 11/13/97

I/We request that Water Right No. 2322-3

formerly owned by: Jerome J Lohr

be transferred to: (name & address) G. TOM DEVILLE : 412 Sunny Slope Ballwin Mo 63011
Telephone No. 314-391-1122

Title to the following described land(s)/property has been transferred as described above:

254 acres - SE 1/4 Section 31 and the SW 1/4 Section 32, T115N, R57W

I/We understand that the validity of Water Right No. 2322-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 45-2-13.

STATE OF SOUTH DAKOTA)
MISSOURI)
County of ST. LOUIS)

I/We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 12th day of November, 19 97.

ROBIN L. JAMES
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Dec. 5, 1997

[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

415534

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 17, 19 97

RECEIVED OF G. Todd Devire, 412 Sunny Slope, Ballwin, MO 63011

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 2322-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

G. H. Hatcher



2322-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 11, 1997

No. 2322-3
2970-3

Gary Todd Deville
412 Sunny Slope
Ballwin, MO 63011

Dear Mr. Deville:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 2322-3 and 2970-3.

Our records now show you as the owner of Water right Nos. 2322-3 and 2970-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

NOT TO SCALE

2322-3

115-57

1424

110.6

27.0

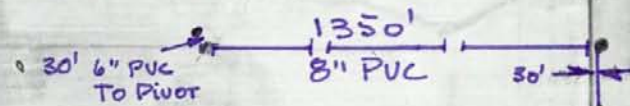
3-136D

31

104.8

150.0
154.1

47



115-57

39 40

10.4

10.3

2322-3

2970-3

115-57

4

406

113.1

135.1

3 136C

2450'
8" PUC

32

57.5

136.3

9.2

6.7

53.3

3856'
8" PUC

115-57 4

670'

WELL FOR
PERMIT 2970-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 22, 2008

2322-3

2970-3

C T Wildlife Partnership
1624 Quale Ridge Circle
Woodbury MN 55125

Dear Sir:

I am writing in regard to Water Right Nos. 2322-3 and 2970-3. The water rights are currently listed in the name of G Todd Deville and authorize irrigation of land in portions of Section 31 and 32, T115N, R57W (copies enclosed).

I obtained your name from the Clark County Register of Deeds office as being the owner of the property described in these water rights. The purpose of my letter is to find out from you what your intent is towards the water rights.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. This three year period is waived if legal excuse exists for the years of non-use. I have included a summary of the water laws and Water Management Board dealing with these issues.

Please get in touch with me as to whether or not you feel you will be irrigating the land. If the land is to be irrigated, the water rights will need to be transferred to reflect current ownership. If irrigation has been discontinued on the land, the water rights will be scheduled for cancellation consideration.

Thank you in advance for your help in updating the water rights. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 31, 2008

2322-3
2970-3

C T Wildlife Partnership
1624 Quale Ridge Circle
Woodbury MN 55125

Dear Sir:

Thank you for calling concerning the ownership changes for Water Right Nos. 2322-3 & 2970-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (\$5.00 total). The check or money order for the fee can be made payable to the Water Rights Program.

As I discussed with you on the phone, you will not lose the water rights if the reason for not irrigating is because the land is enrolled in the Conservation Reserve Program. You indicated that a portion of the land will be eligible for irrigation in 2010. I will hold off mailing an irrigation questionnaire to you for either water right until that time. For informational purposes, I am enclosing a sample copy of a completed questionnaire so you have an idea of what type of information to keep track of during the irrigation season. We typically mail the questionnaires to irrigators in South Dakota in mid-October each year.

If you have any questions, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED

AUG 11 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2322-3
Date: 8/19/08

I/We request that Water Right No. 2322-3

formerly owned by: G Todd DeVille

be transferred to: (name & address) Ct Wildlife Management
1624 Quail Ridge Circle, Woodbury MN 55125
Telephone No. 651-261-2482

Title to the following described land(s)/property has been transferred as described above:

254 acres - SE 1/4 Section 31 and SW 1/4 Section 32, T115N, R57W

I/We understand that the validity of Water Right No. 2322-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ct Wildlife, the new owner, certify that the above information is true and correct.

Gus [Signature] for Ct Wildlife Management
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 8/11, 20 08

RECEIVED OF C. T. Wildlife Mngmt 1624 Quail Ridge Cr Woodbury MN 55125

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2322-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03712

By

Robert E. Erickson
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 11, 2008

2322-3
2970-3

Cyrus Mahmoodi
C T Wildlife Partnership
1624 Quail Ridge Circle
Woodbury MN 55125

Dear Sir:

I am writing to acknowledge receipt of the ownership changes you filed for Water Right Nos. 2322-3 & 2970-3. The transfers have been completed. The water rights formerly held by G Todd Deville are now listed under C T Wildlife Partnership.

Enclosed are Receipt Nos. 03712 and 03713 in the amounts of \$2.50 each. These are for the filing fees you paid for filing the ownership changes.

If you have any questions, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

June 13, 2013

2322-3

Cyrus Mamoodi
CT Wildlife Management
1624 Quail Ridge Circle
Woodbury MN 55125

Dear Sir:

I am contacting you in regard to Water Right No. 2322-3 currently listed under CT Wildlife Management (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 2322-3 has been in the Conservation Reserve Program (CRP) through 2012.

The purpose of my letter is to find out the status of irrigation on the property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. Thank you in advance for your help in updating the water right.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

RECEIVED
JUN 24 2013
WATER RIGHTS
PROGRAM

Water Right No. 2322-3
CT Wildlife Management

Water Right No. 2322-3 authorizes irrigation of 254 acres in the SE ¼ Section 31 and SW ¼ Section 32, T115N, R57W.

Does CT Wildlife Management still own the land described above?

Yes X

No _____ (if no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP?

Yes X through calendar year 2013

No X 60 acre farmed 2013

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

Pivot #2 - in CRP until Oct 2013

[Signature] for CT Wildlife

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 18, 2015

2322-3
2970-3

Cyrus Mahmoodi
CT Wildlife Management
1624 Quail Ridge Circle
Woodbury MN 55125

Dear Mr. Mahmoodi:

I am writing follow-up to our phone conversation concerning your Water Right Nos. 2322-3 and 2970-3. The water rights collectively authorize irrigation of portions of land in Sections 31 and 32, T115N, R57W in Clark County SD.

During our phone conversation you confirmed the land under both water rights has been enrolled in the Conservation Reserve Program through 2024. South Dakota water law allows this practice while retaining water rights if the following criteria as discussed in SDCL 46-5-37.2 are met:

- Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:
 1. the water source is not fully appropriated;
 2. if the withdrawal from use does not prevent approval of new permits from the same source, and;
 3. if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Beginning next year, we will hold up on mailing annual irrigation questionnaires to you until the land comes out of CRP and is again eligible for irrigation. If any changes occur prior to 2024 such as address or ownership changes, please notify our office. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 31, 2025

CT Wildlife Management
c/o Cyrus Mahmoodi
1624 Quail Ridge Cir
Woodbury, MN 55125

Nos. 2322-3 & 2970-3

Dear Mr. Mahmoodi:

I am contacting you in regard to Water Right Nos. 2322-3 & 2970-3.

Water Right No. 2322-3, authorizing the diversion of 1.78 cubic feet of water per second from groundwater, two wells (Vermillion East Fork: Willow Lake), for the irrigation of 132 acres located in the SE $\frac{1}{4}$ Section 31 and 122 acres in the SW $\frac{1}{4}$ Section 32; all in T115N, R57W.

Water Right No. 2970-3, authorizing the diversion of 1.78 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake), for the irrigation of 238 acres located in portions of Section 32, T115N, R57W.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right Nos. 2322-3 and 2970-3 have been in the Conservation Reserve Program (CRP) through 2024.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to resume irrigation, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosures

RECEIVED

MAY 02 2025

OFFICE OF
WATER

Water Right No. 2322-3
CT Wildlife Management, c/o Cyrus Mahmoodi

Water Right No. 2322-2 authorizes the irrigation of 132 acre circle in the SE ¼ Section 31 and 122 acres in the SW ¼ Section 32; all in T115N, R57W.

Do you still own the land described above?

Yes ☒

No ☐ (If no, please list the name, mailing address, and phone number of the new owner)

Has the land been re-enrolled in CRP:

Yes ☒ through calendar year 2034

No ☐

If the land has not been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.